

Attorney's
Docket
Number BGP-021US
(D002 CIP US)

Combined Declaration For Patent Application and Power of Attorney
(Includes Reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TREATMENT FOR ASTHMA

the specification of which

(check one)

is attached hereto.

was filed as United States application

Serial No. _____

on _____

and was amended on _____ (if applicable).

was filed as PCT international application

Number PCT/US93/00030
on January 12, 1993

and was amended under PCT Article 19

on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

[Combined Declaration For Patent Application
and Power of Attorney - CONTINUED]

Atty Docket: BGP-021US
(D002 CIP US)

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

X no such applications have been filed.
 such applications have been filed as follows

PRIOR FOREIGN/PCT APPLICATION(S), AND ANY
PRIORITY CLAIMS UNDER 35 U.S.C. 119

Country (If PCT indicate PCT)	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

[Combined Declaration For Patent Application
and Power of Attorney - CONTINUED]Atty Docket: BGP-021US
(D002 CIP US)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120

U.S. APPLICATIONS

<u>07/821,768</u> (U.S. Application No.)	<u>January 13, 1992</u> (U.S. Filing Date)	<u>Pending</u> (Status) (patented,pending,aband.)
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<u>(U.S. Application No.)</u>	<u>(U.S. Filing Date)</u>	<u>(Status)</u> (patented,pending,aband.)
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PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.	PCT Filing Date	U.S. Serial Numbers Assigned (if any)	Status (patented, pending, aband.)
PCT/US93/00030	January 12, 1993	08/256,631	Pending

[Combined Declaration For Patent Application
and Power of Attorney - CONTINUED]Atty Docket: BGP-021US
(D002 CIP US)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Paul Louis Myers	Reg. No. <u>35,965</u>	Michael I. Falkoff	Reg. No. <u>30,833</u>
John A. Lahive, Jr.	Reg. No. <u>19,788</u>	Ann Lamport Hammitte	Reg. No. <u>34,858</u>
W. Hugo Liepmann	Reg. No. <u>20,407</u>	John V. Bianco	Reg. No. <u>36,748</u>
James E. Cockfield	Reg. No. <u>19,162</u>	Jeremiah Lynch	Reg. No. <u>17,425</u>
Thomas V. Smurzynski	Reg. No. <u>24,798</u>	Amy E. Mandragouras	Reg. No. <u>36,207</u>
Ralph A. Loren	Reg. No. <u>29,325</u>	Elizabeth A. Hanley	Reg. No. <u>33,505</u>
Thomas J. Engellenner	Reg. No. <u>28,711</u>	Matthew P. Vincent	Reg. No. <u>36,709</u>
William C. Geary III	Reg. No. <u>31,359</u>	Beth E. Arnold	Reg. No. <u>35,430</u>
David J. Powsner	Reg. No. <u>31,868</u>		
Giulio A. DeConti, Jr.	Reg. No. <u>31,503</u>		

AND

Leslie M. Levine, Reg. No. 35,245

Send Correspondence to:

Louis Myers, Esq., Lahive & Cockfield, 60 State Street, Boston, MA 02109

Direct Telephone Calls to: (name and telephone number)

Louis Myers, (617) 227-7400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor <u>Roy R. Lobb</u>		
Inventor's signature <u>RRL</u>	Date November 14, 1994	
Residence <u>569 Canton Street, b</u> <u>62 Loring Street, Westwood, MA 02090</u>		
Citizenship United States of America		
Post Office Address (if different) <u>569 Canton Street</u> <u>62 Loring Street, Westwood, MA 02090</u>		

Applicant or Patentee: Roy R. Lobb
Serial or Patent No.: 08/256,631
Filed or Issued: July 12, 1994
Title: TREATMENT FOR ASTHMA

Attorney's
Docket No.: BGP-021 (D002 CIP PCT)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN BIOGEN INC.

ADDRESS OF SMALL BUSINESS CONCERN Fourteen Cambridge Center
Cambridge, Massachusetts 02142

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Michael J. Astrue

TITLE OF PERSON OTHER THAN OWNER Vice President and General Counsel

ADDRESS OF PERSON SIGNING Fourteen Cambridge Center, Cambridge, Massachusetts 02142

SIGNATURE [Signature] DATE _____